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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,554	03/29/2001	Kazutoyo Machiro	6514-7	4973

7590

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EXAMINER

CHEN, TE Y

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 04/23/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/820,554

Applicant(s)

MAEHIRO, KAZUTOYO

Examiner

Susan Y Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/24/2004 has been entered.

This office action is in response to amendment filed on 02/24/2004.

Claims 1 - 30 are pending for examination; claims 1, 14, 15-16 and 29-30 have been amended.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over by MacNaughton et al. (U.S. Patent No. 5,769,393) of record, further in view of Junkin (U.S. Patent No. 6,193,610).

As to claims 1, 14-16 and 29-<sup>30</sup>~~31~~, MacNaughton et al. (hereinafter referred as MacNaughton) discloses a computer system [e.g., see Abstract, Fig. 1] with apparatus, methods and computer program products as claimed by applicant, to perform the following processing, comprising:

a) a membership information retrieval server [e.g., see the Community Server (18), Fig. 1] accepts requests from a group of user terminals [e.g., see the user's terminal with Web browser (10), Fig. 1] via the Internet communication protocols [e.g., TCP/IP (16, 34), or HTTP or FTP or IRC, etc; col. 6, lines 35-37] to perform the following functions, comprising:

- \* storing the membership information from a group of users to a storage device [e.g., see col. 8, lines 24-33; the Membership Database (44), Fig. 1B], therein the membership information received including the status entered into and sent from each of the user terminals by the system user [e.g., col. 14, Login and Logout fields of the various request type table];

- \* retrieval and searching selected membership information from the storage device in respond to the request [e.g., see the Who's Online service provided by the community server; col. 7, lines 5-6] from the system user [col. 1, lines 54-61; col. 8, lines 10-23; col. 9, lines 41-45];

\* displaying the membership information sent from the server on display of the user terminals [col.2, lines 19-23];

\* communicating to one or more members in the created temporary user list via messages flow between a client/server model [Fig (s) 4-5]. [e.g. see the "who's Online" and "Invitation" functional processing cited at col. 16, lines 15 - 59; col. 18, lines 42-51; col. 21, lines 36-45, wherein a second temporary user list that is associated with the invitation action can be created by using extended scripting language].

Although MacNaughton discloses that the membership information entered into and sent from each of the user terminals including status [e.g., col. 14, Login and Logout fields of the various request type table] for an on-line subscribers Internet service system [e.g., Abstract, lines 1-3], he did not specifically disclose that the membership information having the videogame status.

However, Junkin discloses an interactive system having the video game status as claimed by applicant [e.g. Abstract; Fig. 4B; col. 8, lines 48 – col. 9, line 28].

Therefore, with the combined teachings of MacNaughton and Junkin in front of him/her, an ordinary skilled artisan at the time the invention was made would be motivated to further modify the combined system with the video game status as claimed by applicant, because by doing so, the modified system will provide a user friendly real-time video game status and allows the player to make selections as desired.

As to claims 2-13 and 17-28, MacNaughton further discloses that the system having the features as claimed by applicant, including:

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a) a determination system [e.g., 148, Fig. 4] that determines whether each of the group of the user terminals is current online [e.g., see 150, Fig. 4], wherein the communication server [e.g., 140, Fig. 4] imports the determination results into the membership information and then sends the membership information to the user terminal [col. 8, lines 43-65; Fig. 4; col. 16, lines 15 - 48];

b) the membership information includes user name, text , etc, which can be updated whenever necessary from the user terminal online [col. 8, lines 29-39].

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

To expedite the process of re-examination, the examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. 35 U.S.C. 112) set forth by the Examiner prior to the office action, that applicant should provide and link to the most specific page and line numbers of the disclosure where best support is found (see 35 U.S.C. 132).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is (703) 308-1155. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen  
Examiner  
Art Unit 2171

April 14, 2004



**UYEN LE**  
**PRIMARY EXAMINER**